CONFERENCE ON DISARMAMENT

CD/1001
12 June 1990

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LETTER DATED 12 JUNE 1990 FROM THE ACTING REPRESENTATIVE OF THE UNITED STATES OF AMERICA ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON DESTRUCTION AND NON-PRODUCTION OF CHEMICAL WEAPONS AND ON MEASURES TO FACILITATE THE MULTILATERAL CONVENTION ON BANNING CHEMICAL WEAPONS, THE AGREED STATEMENT IN CONNECTION WITH THAT AGREEMENT AND THE UNITED STATES-USSR JOINT STATEMENT ON NON-PROLIFERATION */

I have the honour to forward to you the text of the Agreement between the United States of America and the Union of Soviet Socialist Republics on Destruction and Non-Production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons. This Agreement was signed in Washington on 1 June 1990, by President George Bush of the United States of America, and by President Mikhail Gorbachev of the Union of Soviet Socialist Republics.

I also have the honour to forward the text of a United States-USSR Joint Statement on Non-Proliferation, issued in Washington during the Summit meeting.

In accordance with past practice, Minister Batsanov, USSR Representative to the Conference on Disarmament, will transmit these documents in Russian to the Conference on Disarmament.

I ask that you take the appropriate steps to issue these papers as official documents of the Conference on Disarmament and have them distributed to all member delegations and non-member States participating in the work of the Conference.

(Signed) M. LYALL BRECKON
Acting Representative of the
United States of America to
the Conference on Disarmament

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*/ The official Russian texts of the documents mentioned herein are to be found in CD/1000.

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON DESTRUCTION AND NON-PRODUCTION OF CHEMICAL WEAPONS AND ON MEASURES TO FACILITATE THE MULTILATERAL CONVENTION ON BANNING CHEMICAL WEAPONS

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as "the Parties",

Determined to make every effort to conclude and to bring into force at the earliest date a convention providing for a global ban on the development, production, stockpiling and use of chemical weapons and on their destruction, hereinafter referred to as "the multilateral convention",

Aware of their special responsibility in the area of chemical weapons disarmament,

Desiring to halt the production of chemical weapons and to begin the destruction of the preponderance of their chemical weapons stockpiles, without waiting for the multilateral convention to enter into force,

Recalling the Memorandum of Understanding between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition of Chemical Weapons, signed at Jackson Hole, Wyoming on 23 September 1989, hereinafter referred to as "the Memorandum",

Recalling the bilateral commitment to co-operate with respect to the destruction of chemical weapons, contained in the joint statement on chemical weapons issued at Jackson Hole, Wyoming on 23 September 1989, and

Mindful of the efforts of each Party aimed at the destruction of chemical weapons and desiring to co-operate in this area,

Have agreed as follows:

ARTICLE I

GENERAL PROVISIONS AND AREAS OF CO-OPERATION

1. In accordance with provisions of this Agreement, the Parties undertake:

(a) to co-operate regarding methods and technologies for the safe and efficient destruction of chemical weapons;

(b) not to produce chemical weapons;

(c) to reduce their chemical weapons stockpiles to equal, low levels;

(d) to co-operate in developing, testing, and carrying out appropriate inspection procedures; and

(e) to adopt practical measures to encourage all chemical weapons-capable States to become parties to the multilateral convention.

2. Each Party, during its destruction of chemical weapons, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each Party shall destroy its chemical weapons in accordance with stringent national standards for safety and emissions.

ARTICLE II

CO-OPERATION REGARDING METHODS AND TECHNOLOGIES OF DESTRUCTION

1. To implement their undertaking to co-operate regarding the destruction of chemical weapons, the Parties shall negotiate a specific programme of co-operation. For this purpose, the Parties may create special groups of experts, as appropriate. The programme may include matters related to: methods and specific technologies for the destruction of chemical weapons; measures to ensure safety and protection of people and the environment; construction and operation of destruction facilities; the appropriate equipment for destruction; past, current and planned destruction activities; monitoring of destruction of chemical weapons; or such other topics as the Parties may agree. Activities to implement this programme may include: exchanges of visits to relevant facilities; exchanges of documents; meetings and discussions among experts; or such other activities as the Parties may agree.

2. Each Party shall, as appropriate, co-operate with other States that request information or assistance regarding the destruction of chemical weapons. The Parties may respond jointly to such requests.

ARTICLE III

CESSATION OF THE PRODUCTION OF CHEMICAL WEAPONS

Upon entry into force of this Agreement and thereafter, each Party shall not produce chemical weapons.

ARTICLE IV

DESTRUCTION OF CHEMICAL WEAPONS

1. Each Party shall reduce and limit its chemical weapons so that, by no later than 31 December 2002, and thereafter, its aggregate quantity of chemical weapons does not exceed 5,000 agent tons. In this Agreement, "tons" means metric tons.

2. Each Party shall begin its destruction of chemical weapons by no later than 31 December 1992.

3. By no later than 31 December 1999, each Party shall have destroyed at least 50 per cent of its aggregate quantity of chemical weapons. The aggregate quantity of chemical weapons of a Party shall be the amount of chemical weapons declared in the data exchange carried out on 29 December 1989, or declared thereafter, pursuant to the Memorandum, as updated in accordance with paragraph 6 (b) of this article.

4. In the event that a Party determines that it cannot achieve an annual rate of destruction of chemical weapons of at least 1,000 agent tons during 1995, or that it cannot destroy at least 1,000 agent tons during each year after 1995, that Party shall, at the earliest possible time, notify the other Party, in accordance with paragraph 10 of this article.

5. Each Party, in its destruction of chemical weapons, shall also destroy the munitions, devices and containers from which the chemicals have been removed. Each Party shall reduce and limit its other empty munitions and devices for chemical weapons purposes so that, by no later than 31 December 2002, and thereafter, the aggregate capacity of such munitions and devices does not exceed the volume of the remaining bulk agent of that Party.

6. Thirty days after the entry into force of this Agreement, each Party shall inform the other Party of the following:

(a) its current general plan for the destruction of chemical weapons pursuant to this Agreement and its detailed plan for the destruction of chemical weapons during the calendar year following the year in which this Agreement enters into force. The detailed plan shall encompass all of the chemical weapons to be destroyed during the calendar year, and shall include their locations, types and quantitites, the methods of their destruction, and the locations of the destruction facilities that are to be used; and

(b) any changes, as of the entry into force of this Agreement, in the data contained in the data exchange carried out on 29 December 1989, or provided thereafter, pursuant to the Memorandum.

7. Beginning in the calendar year following the year in which this Agreement enters into force, each Party shall inform the other Party annually, by no later than 30 November, of its detailed plan for the destruction of chemical weapons during the following calendar year.

8. Beginning in the calendar year following the year in which this Agreement enters into force, each Party shall inform the other Party annually, by no later than 15 April, of the following:

(a) any further changes, as of 31 December of the previous year, to the data contained in the data exchange carried out on 29 December 1989, or provided thereafter, pursuant to the Memorandum;

(b) the implementation during the previous calendar year of its detailed plan for the destruction of chemical weapons; and

(c) any update to the general and detailed plans provided pursuant to paragraphs 6 (a) or 7 of this article.

9. Each Party shall limit its chemical weapons storage facilities so that, by no later than 31 December 2002, and thereafter, the number of such facilities does not exceed eight. Each Party plans to have all such facilities located on its national territory. This is without prejudice to its rights and obligations, including those under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

10. If a Party experiences problems that will prevent it from destroying its chemical weapons at a rate sufficient to meet the levels specified in this article, that Party shall immediately notify the other Party and provide a full explanation. The Parties shall promptly consult on measures necessary to resolve the problems. Under no circumstances shall the Party not experiencing problems in its destruction of chemical weapons be required to destroy its chemical weapons at a more rapid rate than the Party that has experienced such problems.

ARTICLE V

INSPECTION ACTIVITIES

1. Each Party shall provide access to each of its chemical weapons production facilities for systematic on-site inspection to confirm that production of chemical weapons is not occurring at those facilities.

2. Each Party shall identify and provide access to each of its chemical weapons destruction facilities and the chemical weapons holding areas within these destruction facilities for systematic on-site inspection of the destruction of chemical weapons. Such inspection shall be accomplished through the continuous presence of inspectors and continuous monitoring with on-site instruments.

3. When a Party has removed all of its chemical weapons from a particular chemical weapons storage facility, it shall promptly notify the other Party. The Party receiving the notification shall have the right to conduct, promptly after its receipt of the notification, an on-site inspection to confirm that no chemical weapons are present at that facility. Each Party shall also have the right to inspect, not more than once each calendar year, subsequent to the year of the notification and until such time as the multilateral convention enters into force, each chemical weapons storage facility for which it has received a notification pursuant to this paragraph, to determine that chemical weapons are not being stored there.

4. When a Party has completed its destruction of chemical weapons pursuant to this Agreement, it shall promptly notify the other Party. In its notification, the Party shall specify the chemical weapons storage facilities where its remaining chemical weapons are located and provide a detailed inventory of the chemical weapons at each of these storage facilities. Each Party, promptly after it has received such a notification, shall have the right to inspect each of the chemical weapons storage facilities specified in the notification, to determine the quantities and types of chemical weapons at each facility.

5. Each Party shall also have the right to inspect, not more than once each calendar year, subsequent to the year in which destruction begins and until such time as the multilateral convention enters into force, each chemical weapons storage facility of the other Party that is not already subject to annual inspection pursuant to paragraph 3 of this article, to determine the quantitites and types of chemical weapons that are being stored there.

6. On the basis of the reports of its inspectors and other information available to it, each Party shall determine whether the provisions of this Agreement are being satisfactorily fulfilled and shall communicate its conclusions to the other Party.

7. Detailed provisions for the implementation of the inspection measures provided for in this Article shall be set forth in the document on inspection procedures. The Parties shall work to complete this document by 31 December 1990.

ARTICLE VI

MEASURES TO FACILITATE THE MULTILATERAL CONVENTION

The Parties shall co-operate in making every effort to conclude the multilateral convention at the earliest date and to implement it effectively. Toward those ends, the Parties agree, in addition to their other obligations in this Agreement, to the following:

1. Each Party shall reduce and limit its chemical weapons so that, by no later than the end of the eighth year after entry into force of the multilateral convention, its aggregate quantity of chemical weapons does not exceed 500 agent tons.

2. Upon signature of this Agreement, the Parties shall enter into consultations with other participants in the multilateral negotiations and shall propose that a special conference of States parties to the multilateral convention be held at the end of the eighth year after its entry into force. This special conference would, inter alia, determine, in accordance with agreed procedures, whether the participation in the multilateral convention is sufficient for proceeding to the total elimination of all remaining chemical weapons stocks over the subsequent two years.

3. The Parties shall intensify their co-operation with each other and with other States to ensure that all chemical weapon-capable States become parties to the multilateral convention.

4. The Parties declare their intention to be among the original parties to the multilateral convention.

5. To gain experience and thereby facilitate the elaboration and implementation of the multilateral convention, the Parties agree to conduct bilateral verification experiments involving trial challenge inspections at facilities not declared under the Memorandum or subsequently. The detailed modalities for such experiments, including the number and location of the facilities to be inspected, as well as the procedures to be used, shall be agreed between the Parties no later than six months after the signing of this Agreement.

ARTICLE VII

CONSULTATIONS

The Parties, in order to resolve questions related to this Agreement that may arise, shall use normal diplomatic channels, specifically-designated representatives, or such other means as they may agree.

ARTICLE VIII

RELATIONSHIP TO OTHER DOCUMENTS

1. After the multilateral convention enters into force, the provisions of the multilateral convention shall take precedence over the provisions of this Agreement in cases of incompatible obligations therein. Otherwise, the provisions of this Agreement shall supplement the provisions of the multilateral convention in its operation between the Parties. After the multilateral convention is signed, the Parties to this Agreement shall consult with each other in order to resolve any questions concerning the relationship of this Agreement to the multilateral convention.

2. The chemical weapons, chemical weapons storage facilities, and chemical weapons production facilities subject to this Agreement are those that are subject to declaration under the Memorandum.

ARTICLE IX

AMENDMENTS

Each Party may propose amendments to this Agreement. Agreed amendments shall enter into force in accordance with the procedures governing the entry into force of this Agreement.

ARTICLE X

ENTRY INTO FORCE; DURATION; WITHDRAWAL

1. This Agreement shall enter into force upon an exchange of instruments stating acceptance of the Agreement by each Party.

2. This Agreement shall be of unlimited duration, unless the Parties agree to terminate it after the entry into force of the multilateral convention.

3. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Agreement if it decides that extraordinary events related to the subject matter of this Agreement have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Agreement. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests

DONE at Washington, in duplicate, this first day of June, 1990, in the English and Russian languages, each text being equally authentic.

s/G. Bush

FOR THE UNITED STATES OF AMERICA

s/M. Gorbachev

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS

AGREED STATEMENT IN CONNECTION WITH THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON DESTRUCTION AND NON-PRODUCTION OF CHEMICAL WEAPONS AND ON MEASURES TO FACILITATE THE MULTILATERAL CONVENTION ON BANNING CHEMICAL WEAPONS

Paragraph 2 of Article VI of the Agreement stipulates that, "Upon signature of this Agreement, the Parties shall enter into consultations with other participants in the multilateral negotiations and shall propose that a special conference of States parties to the multilateral convention be held at the end of the eighth year after its entry into force. This special conference would, inter alia, determine, in accordance with agreed procedures, whether the participation in the multilateral convention is sufficient for proceeding to the total elimination of all remaining chemical weapons stocks over the subsequent two years".

In this connection, the Parties agree that an affirmative decision would require the agreement of a majority of the States parties that attend the special conference, with such majority including those States parties attending the special conference that had taken the following three steps:

(a) presented officially and publicly, before 31 December 1991, before the Conference on Disarmament, a written declaration that they were at the time of that declaration in possession of chemical weapons;

(b) signed the multilateral convention within 30 days after it was opened for signature; and

(c) became a party to the multilateral convention by no later than one year after its entry into force.

United States-USSR Joint Statement on Non-Proliferation

Washington, D.C.

1 June 1990

The United States of America and the Union of Soviet Socialist Republics oppose the proliferation of nuclear weapons, chemical weapons, missiles capable of carrying such weapons, and certain other missiles and missile technologies. The more nations that possess such weapons, the more difficult it will be to realize the desire of people everywhere to achieve effective arms control and disarmament measures and to reduce the threat of war. Weapons proliferation can provoke or intensify insecurity and hostility among nations, and threatens mankind with warfare of unprecedented destructiveness.

Our discussions over the past months point the way to a new era in relations between our two countries. We have taken major steps toward concluding agreements to reduce our own strategic nuclear arsenals, to bring limits on nuclear testing into force, and to reach a global ban on chemical weapons. Together with the nations of Europe, we are taking unprecedented steps to reduce existing conventional weaponry as part of a process of building a lasting structure of European security. The progress we are making and the commitments we have made in these bilateral and multilateral arms control efforts clearly demonstrate that arms reductions can contribute to increased security, even when there have been long-standing and deep-seated differences between countries.

The historic steps we have taken to improve United States-Soviet relations and to co-operate in the interests of international stability create the possibility of even closer and more concrete co-operation in the areas of nuclear, chemical, and missile non-proliferation.

With these considerations in mind, the United States and the Soviet Union:

- Declare their commitment to preventing the proliferation of nuclear weapons, chemical weapons, and missiles capable of carrying such weapons and certain other missiles and missile technologies, in particular those subject to the provisions of the Missile Technology Control Régime (MTCR);
- Agree to work closely together and with other members of the international community to develop and put into action concrete measures against the proliferation of these types of weapons; and
- Call on other nations to join in a renewed commitment to effective non-proliferation measures as a means of securing international peace and stability and as a step toward the effective limitation worldwide of nuclear weapons, chemical weapons, missiles, and missile technology.

The two sides have taken specific actions to advance these commitments.

Nuclear weapons non-proliferation

In order to prevent the proliferation of nuclear weapons, the United States and the Soviet Union:

- Reaffirm their steadfast and long-lasting commitment to prevent the proliferation of nuclear weapons and to strengthen the international nuclear weapons non-proliferation régime;

- Reaffirm their strong support for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and agree that it continues to make an invaluable contribution to global and regional security and stability;

- Urge all countries which have not yet done so to adhere to the NPT;

- Urge all NPT parties to implement scrupulously their International Atomic Energy Agency (IAEA) safeguards obligations under the Treaty;

- Affirm their intention to co-operate together and with other treaty parties to ensure a successful 1990 Review Conference on the Treaty on the Non-Proliferation of Nuclear Weapons which would reaffirm support for the objectives of the Treaty and its importance to international security and stability;

- Support the Treaty for the Prohibition of Nuclear Weapons in Latin America (the Treaty of Tlatelolco) and urge all countries in the region to bring it into force at an early date;

- Reiterate their continuing commitment to strengthening the IAEA, whose unique system of safeguards has contributed to the widespread peaceful use of nuclear energy for social and economic development;

- Support increased international co-operation in the peaceful uses of nuclear energy under IAEA safeguards;

- Call on all non-nuclear weapons States with unsafeguarded nuclear activities to place these activities under international safeguards;

- Agree on the need for stringent controls over exports of nuclear-related material, equipment and technology, to ensure that they will not be misused for nuclear explosive purposes, and urge all other nations capable of exporting nuclear-related technology to apply similarly strict controls;

- Continue to support efforts to improve and strengthen the international nuclear export control régime;

- Support discussions among States in regions of nuclear proliferation concern for the purpose of achieving concrete steps to reduce the risk of nuclear proliferation, and, in particular, join in calling on the nations of the Middle East, southern Africa, and South Asia to engage in and pursue such discussions;

- Agree to continue their regular, constructive bilateral consultations on nuclear weapons non-proliferation.

Missile and missile technology non-proliferation

In order to stem the proliferation of missiles and missile technology, the United States and the Soviet Union:

- Have signed the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, demonstrating that controls on - indeed the elimination of - such missiles can enhance national security;

- Reaffirm their intention that the START treaty be signed by the end of the year;

- Affirm their support for the objectives of the Missile Technology Control Régime, covering missiles, and certain equipment and technology relating to missiles capable of delivering at least 500 kilograms of payload to a range of at least 300 kilometres and they call on all nations that have not done so to observe the spirit and the guidelines of this régime;

- Are taking measures to restrict missile proliferation on a world-wide basis, including export controls and other internal procedures;

- Have instituted bilateral consultations to exchange information concerning such controls and procedures and identify specific measures to prevent missile proliferation.

- Agree to work to stop missile proliferation, particularly in regions of tension, such as the Middle East;

- To this end, affirm their intent to explore regional initiatives to reduce the threat of missile proliferation, including the possibility of offering their good offices to promote such initiatives;

- Recall that they favour international economic co-operation including co-operation aimed at peaceful space exploration, as long as such co-operation could not contribute to missile proliferation;

- Appeal to all countries - to exporters of missiles and missile technology as well as purchasers - to exercise restraint, and express their willingness to continue their respective dialogue with other countries on the non-proliferation of missiles and missile technology;

- Are resolved, on their part, to continue to work to strengthen such international restraint with respect to missile and missile technology proliferation.

Chemical weapons non-proliferation

In order to stem the use and proliferation of chemical weapons, the United States and the Soviet Union:

- Declare that a multilateral, effectively verifiable chemical weapons convention banning the development, production and use of chemical weapons and eliminating all stocks on a global basis is the best long-term solution to the threat to international security posed by the use and spread of chemical weapons, and that non-proliferation measures are considered a step toward achieving such a convention;

- Will intensify their co-operation to expedite the negotiations in Geneva with the view to resolving outstanding issues as soon as possible and to finalizing the draft convention at the earliest date;

- Have instituted bilateral confidence-building measures, including chemical weapons data exchange and reciprocal site visits;

- Have just signed a trailblazing agreement on destruction and non-production of chemical weapons and on measures to facilitate the multilateral convention on chemical weapons;

- Commit themselves, in that agreement, to take practical measures to encourage all chemical weapons capable States to become parties to the multilateral convention;

- Having declared their possession of chemical weapons, urge other States possessing chemical weapons to declare their possession, to commit to their destruction, and to begin immediately to address, through research and co-operation, the need for chemical weapons destruction capability;

- State that they themselves will not proliferate chemical weapons;

- Have instituted export controls to stem the proliferation of chemical weapons. These measures are not intended to hinder or discriminate against legitimate peaceful chemical activities;

- Have agreed to conduct bilateral discussions to improve the effectiveness of their respective export controls to stem the proliferation of chemical weapons;

- Conduct regular bilateral consultations to broaden bilateral co-operation, including the reciprocal exchange of information on the problems of chemical weapons proliferation;

- Confirm their intent to pursue political and diplomatic actions, where specific cases give rise to concerns about the production, use or spread of chemical weapons;

- Join with other nations in multilateral efforts to co-ordinate export controls, exchange information, and broaden international co-operation to stem the proliferation of chemical weapons;

- Reaffirm their support for the 1925 Geneva Protocol banning the use of chemical weapons in violation of international law;

- Are taking steps to strengthen the 1925 Geneva Protocol by:

  Encouraging States that are not parties to accede;

  Confirming their intention to provide active support to the United Nations Secretary-General in conducting investigations of reported violations of the protocol;

  Affirming their intention to consider the imposition of sanctions against violators of the protocol, including those under Chapter VII of the United Nations Charter;

  Agreeing to consult promptly in the event of a violation of the Protocol to discuss possible bilateral and multilateral actions against the offender, as well as appropriate assistance to the victims of such violation;

- Agree that the presence and further proliferation of chemical weapons in areas of tension, such as the Middle East, is particularly dangerous. The two countries therefore affirm their intent to explore regional initiatives in the Middle East and other areas, including the possibility of offering their good offices to promote such initiatives as:

  Efforts to broaden awareness of the dangers of chemical weapons proliferation and its negative impact on implementation of the multilateral convention on chemical weapons;

  Bilateral or multilateral efforts to stem chemical weapons proliferation, including the renunciation of the production of chemical weapons;

  Efforts to destroy chemical weapons in advance of the multilateral convention, as the United States and the Soviet Union are doing.

The United States and the Soviet Union call on all nations of the world that have not already done so to join them in taking comparable, effective measures to stem chemical weapons proliferation.

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